

REMARKS

Status of the claims:

With the above amendments, claims 9 and 10 have been amended and claims 11-14 have been added. Claims 1-14 are pending and ready for further action on the merits. No new matter has been added by way of the above amendments. Support for new claims 11-13 can be found at page 14, lines 9-13. Support for new claim 14 can be found at page 14, lines 13-28. Reconsideration is respectfully requested in light of the following remarks.

Rejections under 35 USC §102

Claims 1-10 have been rejected under 35 USC §102(b) as being anticipated by either Yamada '448 (US Patent No. 5,254,448) or Takeuchi '308 (US Patent No. 4,347,308).

Applicants traverse.

The Examiner asserts that the compounds that are found in columns 20-21 of Yamada '448 fit within the scope of the claims. Applicants disagree. Applicants assert that none of the compounds that appear in columns 20-21 of Yamada '448 fit within the scope of the claims.

For example, Applicants believe that the Examiner asserts that SO_3^- is Z and M^+ is Na^+ . However, this assertion is incorrect. Applicants respectfully direct the Examiner's attention to claim 1 wherein it is recited that Z is a divalent bridging group or a single bond. SO_3^- is neither a divalent bridging group or a single bond. The Examiner's attention is directed to claim 1 of the instant invention where Z does not have a "minus" sign. Therefore Z is not an anion. Thus, as indicated above, none of the compounds in columns 20-21 of Yamada '448 fit within the scope of the instantly claimed invention. Thus, an anticipation rejection is inapposite.

Moreover, Applicants assert that an obviousness rejection is also inapt. Applicants submit that the Examiner has failed to make out a proper *prima facie* case of obviousness with regard to the 35 USC §103(a) rejection over Yamada '448. Three criteria must be met to make out a *prima facie* case of obviousness.

- 1) There must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.
- 2) There must be a reasonable expectation of success.

3) The prior art reference (or references when combined) must teach or suggest all the claim limitations.

See MPEP §2142 and *In re Vaeck*, 20 USPQ2d 1438 (Fed. Cir. 1991). In particular, the Examiner has failed to meet the third element to make a *prima facie* obviousness rejection. None of the compounds of Yamada '448 fall within the scope of the instant claims. Thus, all of the claim limitations are not present and a proper *prima facie* case of obviousness has not been made. Withdrawal of the rejection is warranted and respectfully requested.

The Examiner also asserts that the compounds that appear column 4 in Takeuchi '308 also appear to fall within the scope of the compounds claimed in claim 1. Applicants disagree. As above, Applicants believe that the Examiner asserts that SO_3^- is Z and M^+ is Na^+ (as recited in claim 1 of the instant invention). However, this assertion is incorrect. Applicants respectfully direct the Examiner's attention to claim 1 wherein it is recited that Z is a divalent bridging group or a single bond. SO_3^- is neither a divalent bridging group nor a single bond. The Examiner's attention is directed to claim 1 of the instant invention where Z does not have a minus sign. Therefore Z is not an anion. Thus, as indicated above, none of the compounds

in column 4 of Takeuchi '308 fit within the scope of the instantly claimed invention. Thus, an anticipation rejection is inapposite.

Moreover, because Takeuchi '308 fails to disclose all of the elements of the instantly claimed invention, an obviousness rejection is also inapposite. A proper *prima facie* case of obviousness has not been presented. For these reasons, withdrawal of the rejection is warranted and respectfully requested.

Regarding claims 4, 5, and 6 (and dependent claims 8-10) of the instant invention, Applicants respectfully draw the Examiner's attention to the fact that claims 4, 5, and 6 claim an amine salt that neither Yamada '448 nor Takeuchi '308 appear to disclose. Thus, these claims can neither be anticipated by nor rendered obvious by either of Yamada '448 or Takeuchi '308. For these reasons, the rejection is inapposite. Withdrawal of the rejection is warranted and respectfully requested.

Obviousness-Type Double Patenting

Claims 1-10 of the instant invention have been rejected under the judicially created doctrine of obviousness type double

patenting over claims 1-12 in Ikeda '430 (US Patent Application Publication 2003/0211430).

Applicants traverse. The Examiner asserts that there is overlap between the compounds present in the claims of the instant invention as well as the claims in Ikeda '430.

Applicants respectfully point out that Ikeda '430 discloses compounds that have SO_3^-M^+ in them. As explained above with regard to the rejections over Yamada '448 and Takeuchi '308, compounds that have SO_3^-M^+ in them do not fit within the scope of the instantly claimed invention. Thus, the rejection over Ikeda '430 is inapposite. Withdrawal of the rejection is warranted and respectfully requested.

With the above remarks and amendments, Applicants believe that the claims, as they now stand, define patentable subject matter such that passage of the instant invention to allowance is warranted. A Notice to that effect is earnestly solicited.

If any questions remain regarding the above matters, please contact the undersigned in the Washington metropolitan area at the phone number listed below.

Pursuant to the provisions of 37 C.F.R. §§ 1.17 and 1.136(a), the Applicants hereby petition for an extension of three (3)

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months to December 4, 2004 in which to file a reply to the Office Action. The required fee of \$980.00 is enclosed herewith.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By *mpa Aug 13 Do 46, 0651*
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